

REMARKS

Reconsideration of the application in view of the above amendments and following remarks is respectfully requested.

Claims 8-16 are pending in the subject application. Claim 8 has been amended to more clearly set forth the definition of R<sup>1</sup> and the definition of R<sup>2</sup>-R<sup>5</sup>. Support for the amendment to R<sup>1</sup> to clarify the meaning of "substituted amino" is found in part at page 16, line 28 to page 17, line 3 of the subject application. (Applicants note that the specification had previously been amended in the Reply and Amendment dated December 9, 2004 to replace "BNRR" with "-NRR".) Support for the amendment to R<sup>2</sup>-R<sup>5</sup> to clarify the meaning of "substituted aryl" is found in part at page 17, lines 7-10 of the subject application. Claim 16 has been amended to delete three compound names in view of the amendment of claim 8. No new matter has been added by the present amendments. Therefore, amended claims 8-16 are now pending in the subject application.

In the Office Action dated March 02, 2005, the Examiner withdrew all the Section 112 rejections in view of Applicants' prior response. Applicants thank the Examiner for the careful consideration of their response.

In the Office Action, the Examiner applied two new rejections. Claims 8-11 were rejected under 35 U.S.C. § 102(e) as lacking novelty over Moriarty et al. (U.S. Application Publication No. US 2002/0065270 A1). This rejection is respectfully traversed.

Applicants agree with the Office Action that Moriarty et al. does not teach the use of the compounds disclosed therein in a method for inhibiting LPAAT-β (lysophosphatidic acid acyltransferase β), which is the method of Applicants' pending claims 8-16. Applicants respectfully disagree with the assertion in the Office Action that inhibition of LPAAT-β and inhibition of p38 kinase are similar.

Nevertheless, as set forth above, independent claim 8 (and therefore claims 9-11 which depend therefrom) has been amended to clarify the definitions of several substituents of the compounds utilized in the claimed method. The compounds of the method of amended claims 8-11 are not taught by Moriarty et al.

Therefore, it is believed that the rejection of claims 8-11 under 35 U.S.C. § 102(e) over Moriarty et al. has been overcome. Reconsideration and withdrawal of this rejection are respectfully requested.

In the Office Action, claims 8-16 were rejected under 35 U.S.C. § 103(a) as lacking nonobviousness over Moriarty et al. (U.S. Application Publication No. US 2002/0065270 A1). This rejection is respectfully traversed.

As discussed above in the discussion of the Section 102(e) rejection, the compounds of amended claims 8-11 are not taught by Moriarty et al. Further, the compounds of claims 12-15 and amended claim 16 are also not taught by Moriarty et al. Therefore, Moriarty et al. does not disclose compounds which include the compounds of the presently claimed methods of amended claims 8-16.

Furthermore, there is no teaching in Moriarty et al. to suggest that the compounds of the methods of amended claims 8-16 would have the activity desired by Moriarty et al. For example, there is no teaching or suggestion at page 2 of Moriarty et al. of the compounds of amended claims 8-16. At best, the disclosure of Moriarty et al. would be an invitation to experiment to discover additional compounds having desired activity, with no reasonable expectation of success. It cannot be fairly said that Moriarty et al. contemplates the specific substitutions of the compounds in the methods of amended claims 8-16. Given that the disclosure of Moriarty et al. is nearly 150 pages in length and depicts nearly 400 compound structures, if any of the compounds in Applicants' amended method claims 8-16 had been contemplated by Moriarty et al., the compounds likely would have been disclosed therein. Applicants respectfully submit that the Patent Office has failed to establish a *prima facie* case for obviousness.

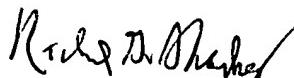
Therefore it is believed that the rejection of claim 8-16 under 35 U.S.C. § 103(a) over Moriarty et al. has been overcome. Reconsideration and withdrawal of this rejection are respectfully requested.

Therefore, in light of the amendments and remarks set forth above, Applicants believe that all the Examiner's rejections have been overcome. Reconsideration and allowance of the pending claims (8-16) are respectfully requested. If there is any further matter requiring attention prior to allowance of the subject application, the Examiner is respectfully requested to contact the undersigned attorney (at 206-622-4900) to resolve the matter.

The Director is authorized to charge any additional fees due by way of this Amendment, or credit any overpayment, to our Deposit Account No. 19-1090.

Respectfully submitted,

SEED Intellectual Property Law Group PLLC

  
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